IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 7020 of 2005

Between:

Indira Siddharatha Apartments, Situated at Race Course Road, Malakpet, Hyderabad, Rep. by its President Sakku Bai W/o. G.c. Satyanarayana Rao, Age about 47 Years Occ: House Hold R/o. Flat No. 201, situated at Race Course Road, Malakpet, Hyderabad.

... PETITIONER

AND

1 The Commissioner, M.C.H. Tank Bund, Hyderabad.
2 The Deputy Commissioner, M.C.H. circle No.I, Sardar Mahal,

Hyderabad.
3 Chief Town Planning Officer, M.C.H. Tank Bund, Hyderabad.
4 V. Indira Devi, W/o. Bhim Reddy,
R/o. 16-10-212, Malakpet, Hyderabad.
5 Bhim Reddy, S/o. NOt Known to the Petitioner,
R/o. 16-10-212, Malakpet, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders one in the nature of Writ of Mandamus by declaring the inaction of the respondent No. 1 to 3 for not taking any action and considering on the notice made by the Petitioner and her association under Section 685 of HMC Act on 3-2-2005 in respect of the property bearing
No.16-10-212, situated at Malakpet, Hyderabad on which the illegal construction is going on by the respondents 4 and 5, which is totally adjacent to Indira Siddhartha Apartments and declare the same as totally illegal, arbitrary against the principle of natural justice.

Counsel for the Petitioner: MR.SURESH SHIV SAGAR

Counsel for the Respondents 1 to 3: MR.RAMA RAO GHANTA

The Court at the admission stage made the following:

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the inaction on the part of the respondents 1 to 3 in taking action against illegal constructions proposed to be made by the respondents 4 and 5 in the land adjacent to the premises of the petitioner.

Having heard the learned counsel for the petitioner and the learned standing counsel appearing for the first respondent Corporation, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to raise its objections by making an appropriate representation before the first respondent-Commissioner. If any such representation is made, the objections raised by the petitioner shall be considered by the first respondent-Commissioner and appropriate orders be passed after making due enquiry, within a period of two weeks from the date of such representation.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 01-04-2005

Note: Issue C.C. in a week

B/o.

LSK

To

1 The Commissioner, M.C.H. Tank Bund, Hyderabad.
2 The Deputy Commissioner, M.C.H. circle No.I, Sardar Mahal,

Hyderabad.

3 The Chief Town Planning Officer, M.C.H. Tank Bund, Hyderabad.

4 Two C.D. copies.